IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CRMPM No.2 of 2007

Decided on: January 3, 2007

State of H.P. **.....Petitioner.**

VERSUS

Karam Singh and others **.....Respondents.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?[1]

For the Petitioner : **Mr. Ashok Chaudhary, Additional Advocate General.**

For the respondents : **Nemo.**

Surjit Singh, Judge (Oral)

Heard and gone through the record.

2. Respondents were sent-up for trial for offences, under Sections 325 and 504 read with Section 34 IPC, by the police for allegedly pelting stones at a lady, named Raj Kumari, and also hurling abuses, in furtherance of their common intention, and causing grievous injury on the thumb of one of the hands by pelting stones.

3. In the FIR no eye-witness was named. The lady was medically examined. The doctor noticed a fracture of one of the thumbs. During the course of the trial, besides the injured-complainant, one more lady was examined, who claimed to have witnessed the incident, but the injured's own statement was to the effect that that witness had appeared at the scene of the crime after she had sustained the injury. Therefore, that witness has rightly been disbelieved by the trial Court. Injured's version in the Court was also

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Whether the reporters of the local papers may be allowed to see the judgment?

contradictory to the earliest version, which she gave to the Police in the form of FIR. In the earliest version, she got recorded that she was pulled by one of the respondents and thereafter the other two respondents, who are parents of the said first respondent, came there and all of them pelted stones. However, while in the witness box, she did not stick to this version and said that all the accused came together and started pelting stones on her. The doctor has given the opinion that the injury is possible as a result of fall. Admittedly, the parties are having strained relations, as they are having civil litigation with regard to a dispute pertaining to landed property. Looking to all these facts and the circumstances of the case, I do not think this is a fit case where leave to appeal should be granted. Hence, the application is dismissed.

January 3, 2007(sd) **(Surjit Singh), J.**